

REMARKS

Claims 1-3, 5-12, 27-30, 32, 33 and 42 are pending. Independent claims 1 and 27 have been amended to clarify the invention.

In ¶ 1 of the Final Rejection, approval of the proposed changes to Figure 1 was denied. In an earlier office action, the Examiner had stated that "the first and second slits on the flap must be shown or the feature(s) canceled from the claim(s)". In response to that requirement, the Applicants submitted a proposed revised Figure 1 having two horizontal dashed lines indicating slits. In the Final Rejection, the Examiner asserted that this was unacceptable because the illustrated slits have a length and an orientation not disclosed in the specification. In the Amendment After Final Rejection, the Applicants requested reconsideration of this refusal to accept the amended drawing. However, the Advisory Action is silent concerning whether Figure 1 will be approved. Therefore, the Applicants again request that the that the dashed lines indicated in proposed amended Figure 1 be treated as graphical symbols representing slits and not as an illustration of actual slits having a length as shown or a horizontal orientation. The rules regarding drawings clearly provide for the use of such graphical symbols. If the Examiner concurs, then Applicants request that the Replacement Sheet for Figure 1 previously submitted be now approved and that

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canceled claims 4 and 31 be reinstated by Examiner's Amendment.

In ¶ 4 of the Final Rejection, claims 1-12 and 27-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Arnell (US 5,851,071) in view of Price (US 6,213,641). The Applicants traverse this ground of rejection for the following reasons.

The Arnell patent discloses a reclosable bag in which the top edges 20 of the bag walls are preferably sealed along a perforated line such that the top edges can be manually unsealed without tools by tearing the top edges along that perforated line. [Arnell, col. 4, lines 43-50.] In other words, Arnell teaches that the upper marginal portions of the walls are sealed together and a tear line is formed. There is no disclosure or suggestion that the upper marginal portions of the front and rear walls are attached to the two sides of the zipper without those upper marginal portions being joined. Consequently, Arnell plainly teaches away from Applicants' bag top structure in which the upper marginal portions of the front and rear walls are respectively sealed to the backs of the strips of a string zipper, without those marginal top portions being sealed to each other.

Furthermore, because Arnell teaches that the upper marginal portions of the front and rear bag walls are sealed

together, it would not be obvious to incorporate the slider of Price because it is not possible to insert a slider on a sealed zippered bag mouth when the mouth walls are sealed together. The presence of the sealed upper marginal portions above the zipper would certainly interfere with operation of the slider, even if the sealed mouth of the bag were torn open. The Applicants respectfully submit that it would not be obvious to insert a slider onto a zipper when the zipper is enclosed by the sealed upper marginal portions of the front and rear bag walls.

Furthermore, Arnell teaches that the zipper installed in the top of the bag can be opened "without the use of special tools", i.e., without the use of a slider. Thus Arnell teaches away from using a slider, making it unobvious to incorporate the slider of Price on the zippered top of Arnell's bag.

Furthermore, the Applicants also traverse the Examiner's assertion that Figure 5 of the Price patent "depicts a flangeless, reclosable zipper having a slider". Items 11 and 12 shown in Figure 5 of Price are bag walls shown integrally formed with the closure profiles of reclosable fastener 14. Therefore, to the extent that the integrally zipper strips and bag walls can be deemed a "zipper", that zipper is of the flanged variety because the bag walls are structurally analogous (yet longer) to flanges of the type

used to attached zipper strips to bag walls. A person of ordinary skill in the art would not consider a zipper strip integrally connected to a bag wall to be a flangeless zipper strip.

Since Price does not disclose a flangeless zipper, it also does not disclose or suggest a slider-operated flangeless zipper. Accordingly, nothing in Price would suggest that the slider of Price could be inserted onto the flangeless zipper of Arnell.

Arnell teaches away from installing a slider on his flangeless zipper, while Price neither teaches nor suggests placing a slider on a flangeless zipper. Moreover, independent claims 1 and 27 have been amended to recite that the top edges of the bag walls have respective portions disposed between the sidewalls of the slider. This feature is not disclosed or suggested in either Arnell or Price. Accordingly, the Applicants respectfully submit that a *prima facie* case for obviousness has not been made and that the obviousness rejection combining Arnell and Price should be withdrawn.

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In view of the foregoing, the Applicants submit that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 1-3, 5-12, 27-30, 32, 33 and 42 are hereby requested.

Respectfully submitted,



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Date


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